

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States

v.

Case No. 07-cr-229-01-SM

Tony Rosas

ORDER

Re: Document No. 63, Defendant's Motion for the Issuance of Subpoenas Pursuant to LCrR 17.1(a):

Ruling: Rule 17(c)(3) provides that before entering an order to serve a subpoena "requiring the production of personal or confidential information about a victim . . . , the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object." Two of the requested subpoenas duces tecum (Detective Ledoux, and Officer Day, numbers 8 and 9, respectively) may require the production of personal information about an alleged victim. There is nothing in the record to indicate the alleged victim's awareness of, or position with respect to, this subpoena request. The court grants the request to serve subpoenas numbered 1-7, and 10-11, as those do not appear to implicate Rule 17(c)(3), and defendant is entitled to those subpoenas. As to subpoenas numbered 8 and 9, the court orders the

government to provide notice to the alleged victim of the pending request with respect to those subpoenas. Upon certification from the government that the alleged victim has been notified and does not object to the issuance of subpoenas 8 and 9, or otherwise wish to be heard, the court will grant subpoenas 8 and 9. Should the alleged victim desire to be heard with respect to subpoenas numbered 8 and 9, the alleged victim must file a motion on or before November 22, 2011.

Date: November 18, 2011

/s/ Landya B. McCafferty
Landya B. McCafferty
US Magistrate Judge

cc: Bruce E. Kenna, Esq.
Terry Ollila, AUSA